ORDER.

Bangalore, dated the 3rd December 1966

S. O. 5978.—WHEREAS by State Government Order No. LMA 350 LLE 65, dated 10th December 1965, the Industrial Dispute between the Workmen and the Management of Bharath Electronics Ltd., Bangalore was referred to the Industrial Tribunal, Bangalore, for adjudication ;

AND WHEREAS before the said Industrial Tribunal, a complaint was made under Section 33-A of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by Shri Ramaiah, alleging that he was terminated from Service.

AND WHEREAS the said Industrial Tribunal, adjudicated upon the said complaint and submitted its Award to the State Government as required under Section 15 read with Section 33-A of the said Act ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Government of Mysore, hereby directs the publication of the said Award in the *Mysore Gazette*.

[No. LMA 584 LLD 66.]

By Order and in the name of the Governor of Mysore,

1645 G. G. PUROHIT, *Under Secy.*

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 23rd November 1966.

Present:

A. Panchakshariah, B.A. (Hons.), L.L.B. ... Presiding Officer.

Complaint No. 13 of 1966
in I.D. No. 55 of 1965.

Complainant :—		*Opposite Party* :—
Ramaiah, C/o Gangamuthaiah, W. 245, H. M. T. Colony, Bangalore-31.	*Vs:*	Management of Bharath Electronics Ltd., Bangalore-31.

Appearances.

For the Complainant :—Sri M. C. Narasimha, Advocate.
For the Opposite Party :—Sri B. T. Parthasarathy, Advocate.

AWARD.

I. D. No. 55 of 1965 is an industrial dispute pending between the Workman of Bharath Electronics, Ltd., Bangalore-31 and the Management in the matter of bonus for the year 1964-65. The Complainant in this case was an employee under the Opposite Party Management at the time of this dispute. The dispute in I. D. No. 55 of 1965 is a dispute regarding bonus and the complainant is a person concerned in this dispute. The present complaint is filed under Section 33A of the Industrial Disputes Act, 1947, on the score that the services of this complainant were terminated on 17th March 1966, by the Management without assigning any reason. He was appointed as an Helper with effect from 18th March 1964 and he was required to undergo a period of Probation for six months as per the Order of appointment dated 20th March 1964. At the end of the said period of probation of six months, instead of confirming him, the Management again issued a letter dated 30th September 1964 extending his probationery period indefinitely. By another letter dated 28th December 1965, the Management again told the complainant that the records relating to his credentials were being scrutinised and his probationery period was extended. All of a sudden on 17th March 1966

the complainant received a termination order terminating his services with effect from that date. The Complainant submits that the order of termination of his services is illegal, manifestly unjust and is liable to be set aside. He therefore appealed to the Management on 18th March 1966 for which he did not receive any reply. The Complainant contends that this termination is contrary to the provisions of Section 33 of the Industrial Disputes Act, 1947. He further urges that he had rendered satisfactory service during all this period and his termination is opposed to the provisions of Section 25 (g) of the Industrial Disputes Act. Many of his Juniors are still continued in service while the complainant who came much earlier has been asked to go. On these various grounds the complainant has filed this complaint under Section 33A of the Industrial Disputes Act, 1947, challenging the order of termination passed by the Opposite Party Management.

2. As against this, the Opposite Party contends that the termination of the services of the Complainant was not for any misconduct and therefore this order did not attract the provisions of Section 33 of the Industrial Disputes Act. It was a termination of a Probationer and on the basis of the terms and conditions stipulated in the offer of appointment made to the complainant. The Opposite Party denies that the order of termination is in violation of the provisions of Section 33 of the Industrial Disputes Act. Such a plea is untenable. The opposite Party also denies that the provisions of Section 25 (g) of the Industrial Disputes Act, 1947 have been disregarded and such a contention is untenable. The rest of the allegations and the grounds made by the complainant in challenging the order of termination have been denied. The Opposite Party contends that as per the terms of the appointment there was a contract and as per the terms of the contract the services of this complainant have been terminated. In-as much as the order of termination does not contravene the provisions of Section 33 of the Industrial Disputes Act, 1947, this tribunal has no jurisdiction to entertain this Complaint petition. On these various grounds the complaint petition is challenged by the Opposite Party.

3. The Complainant has also filed a Reply to this Objection statement of the Opposite Party. Issues were framed on 6th August 1966. The case was then posted for evidence and after some hearings, the complainant finally sent a registered letter to this tribunal stating that the matter has been settled a nd he did

not wish to proceed with the complaint and that the same may be dismissed.

4. For the reasons mentioned in the above letter of the Complainant, I make an award dismissing this complaint. Under the circumstances, each party will bear its own costs.

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal.